

**FILED**

FEB 26 2013

UNITED STATES MAGISTRATE JUDGE  
DISTRICT OF NEVADA  
BY \_\_\_\_\_ DEPUTY

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LOFTON,

Defendant.

) CRIMINAL INDICTMENT

) 2:13-cr-073

) VIOLATIONS:

) 18 U.S.C. §§ 1344 and 1349 – Conspiracy to  
Commit Bank Fraud;) 18 U.S.C. § 1028A – Aggravated Identity  
Theft; and 18 U.S.C. § 2 – Aiding and Abetting

THE GRAND JURY CHARGES THAT:

COUNT ONE

Conspiracy to Commit Bank Fraud

1. From a date unknown, but not later than December 14, 2012, until on or about  
January 31, 2013, in the State and Federal District of Nevada, and elsewhere,

**MICHAEL LOFTON,**

defendant herein, did knowingly, unlawfully agree, confederate, and conspire with others known  
and unknown to commit Bank Fraud, in violation of Title 18, United States Code, Sections 1344,  
and 1349.

1 Objective of the Conspiracy

2       2.     The principle objective of the conspiracy was to devise a scheme and plan to  
3 unlawfully and fraudulently obtain monies and other property owned by and under the custody  
4 and control of Bank of America, a federally insured financial institution, by unlawfully  
5 transferring, possessing, and using bank account holders' personal and financial identifiers and  
6 other means of identification, and by using unauthorized access devices to fraudulently obtain  
7 goods and merchandise.

8       3.     It was further part of the scheme and plan to transport stolen and fraudulently  
9 obtained goods and merchandize between states, to receive possess, store, conceal, and sell  
10 stolen and fraudulently obtained goods and merchandise in interstate commerce, and to utilize  
11 the wires and the mails in furtherance of the criminal enterprise.

12       4.     It was further part of the scheme and plan to obtain United States currency by  
13 unlawful selling the fraudulently obtained goods and merchandise for the personal benefit of  
14 defendant MICHAEL LOFTON and his co-conspirators.

15 Manner and Means

16       5.     The manner and means by which the objective of the conspiracy was  
17 accomplished included, but were not limited to, the following:

18       6.     It was part of the scheme and artifice that defendant MICHAEL LOFTON and his  
19 coconspirators, by and through use of the interstate wires, knowingly and with the intent to  
20 defraud, did unlawfully transfer, and cause others to transfer, and did unlawfully possess and  
21 cause others to possess, stolen and otherwise unauthorized personal and financial identifiers  
22 belonging to financial institutions' account holders, without those account holders' knowledge  
23 and consent. For example, on or about December 30, 2012, defendant MICHAEL LOFTON and  
24 his coconspirators did unlawfully obtain, by way of the internet, Bank of America account holder

1 P.S.'s personal and financial information, including but not limited to, P.S.'s name and credit  
2 card account number ending in X-2188, without P.S.'s authorization.

3 7. It was further part of the scheme and artifice that defendant MICHAEL LOFTON  
4 and his coconspirators did use and did cause others to use, by and through use of the interstate  
5 wires, stolen and otherwise unauthorized personal and financial identifiers belonging to financial  
6 institutions' account holders, to fraudulently obtain goods and merchandise for their own  
7 personal gain and in furtherance of the criminal conspiracy. For example, on or about December  
8 30, 2102, defendant MICHAEL LOFTON and his co-conspirators did unlawfully purchase  
9 merchandise, that is, a Kindle Fire HD, by and through use of the interstate wires, via the  
10 internet, from Amazon.com, an innocent third party merchant, using Bank of America account  
11 holder P.S.'s personal and financial information and other means of identification, including but  
12 not limited to, P.S.'s name and credit card account number ending in X-2188.

13 8. It was further part of the scheme and artifice that the defendant MICHAEL  
14 LOFTON and his coconspirators did cause innocent third party merchants to transfer, ship, and  
15 otherwise cause to be transported, in interstate commerce and by way of the mails, stolen and  
16 fraudulently obtained goods and merchandise to a mail drop location in the Las Vegas, Nevada,  
17 area, which defendant MICHAEL LOFTON and his coconspirators believed to be under their  
18 dominion and control. Thereafter, defendant MICHAEL LOFTON and his coconspirators did  
19 intend to unlawfully sell and cause others to unlawfully sell the fraudulently obtained goods and  
20 merchandise to obtain money for their own personal financial gain, and the benefits of others.

21 All in violation of Title 18, United States Code, Sections 1344 and 1349.

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24 //

**COUNT TWO**  
**Aggravated Identity Theft**

1. The factual allegations of Count One of this Indictment are incorporated by reference.

2. On or about on December 30, 2012, in the State and Federal District of Nevada and elsewhere,

**MICHAEL LOFTON**

defendant herein, aiding and abetting others, did knowingly transfer, possess and use without lawful authority, means of identification of another person, to wit: Bank of America account holder P.S.'s personal and financial information and other means of identification, including but not limited to, P.S.'s name and credit card account number ending in X-2188, during and in relation to a specified felony enumerated in Title 18 United States Code, Section 1028A(c), to wit: Wire Fraud, a violation of Title 18, United States Code, Section 1343.

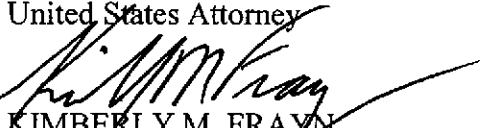
All in violation of Title 18 United States Code, Section 1028A and Title 18, United States Code, Section 2.

**DATED:** this 26 day of February, 2013

**A TRUE BILL:**

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/s/  
FOREPERSON OF THE GRAND JURY

DANIEL G. BOGDEN  
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